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OCT 26 2004

In re Application of : **OFFICE OF PETITIONS**
Fukunaga :
Filed: January 22, 2004 : ON PETITION
Application No. 10/761,223 :
Atty. Dkt. No.: OKI.616 :

This decision is in response to the "PETITION IN RESPONSE TO NOTICE OF INCOMPLETE PROVISIONAL APPLICATION" filed September 29, 2004 in response to the "Notice of Incomplete Nonprovisional Application ("Notice") mailed August 4, 2004 to accord the above-identified application a filing date of January 22, 2004.

The application was filed January 22, 2004. The Notice mailed indicated that the application had not been accorded a filing date because the application appeared to have been deposited without drawings as required by 35 USC 113.

In response, the present petition was filed wherein petitioner argues that the application as deposited included five sheets of drawings. Petitioner has included as proof of mailing and proof of receipt of five sheets of drawings a return postcard date stamped by the Office on January 22, 2004. A copy of the five sheets of drawings purportedly filed with the application on January 22, 2004 was also supplied.

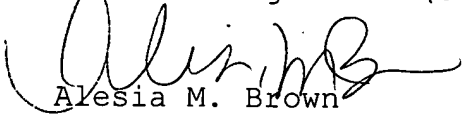
The original drawing sheets submitted with the application papers have not been located. However, in view of the evidence presented, the petition to accord the application a filing date of January 22, 2004 is GRANTED.

Since the original drawing sheet cannot be located in the Office, the copy supplied with the instant petition will be used for examination purposes.

No petition fee is due in connection with this matter. A refund to deposit account No. 50-0238 has been requested from the Finance Office, Refund Section.

This application will be returned to the Office of Initial Patent Examination for further processing with a filing date of January 22, 2004.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.

A handwritten signature in cursive script, appearing to read 'Alesia M. Brown'.

Alesia M. Brown
Senior Petitions Attorney
Office of Petitions